

AMENDED IN SENATE JULY 13, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 288**

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**Introduced by Assembly Members Holden and Olsen**  
**(Principal coauthors: Assembly Members Baker, Chávez, McCarty,**  
**Santiago, and Ting)**  
**(Coauthors: Assembly Members Alejo and Weber)**

February 11, 2015

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An act to add *and repeal* Section 76004 to the Education Code, relating to public schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 288, as amended, Holden. Public schools: College and Career Access Pathways partnerships.

Existing law authorizes the governing board of a school district to allow pupils whom the district has determined would benefit from advanced scholastic or vocational work to attend community college as special part-time or full-time students, subject to parental permission. Existing law requires credit to be awarded to these pupils, as specified, authorizes a school principal to recommend a pupil for community college summer session if the pupil meets specified criteria, and prohibits the principal from recommending more than 5% of the total number of pupils from any particular grade level who completed that grade immediately before the time of recommendation for summer session attendance.

This bill would authorize the governing board of a community college district to enter into a College and Career Access Pathways partnership with the governing board of a school district with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness. The bill would require the partnership agreement to outline the terms of the partnership, as specified, and to establish protocols for information sharing, joint facilities use, and parental consent for high school pupils to enroll in community college courses.

The bill would authorize specified high school pupils to enroll in up to 15 units per term if those units are required for these pupils' partnership programs and specified conditions are satisfied, and would authorize a community college district to exempt special part-time and full-time students taking up to a maximum of 15 units per term from specified fee requirements. The bill would prohibit a district from receiving a state allowance or apportionment for an instructional activity for which the partnering district has been, or will be, paid an allowance or apportionment under a concurrent enrollment partnership agreement. The bill would require, for each partnership agreement entered into under the bill, the affected community college district and school district to provide an annual report, containing specified data, to the office of the Chancellor of the California Community Colleges. *The bill would require the chancellor to prepare a summary report, no later than January 1, 2021, that includes an evaluation of the partnerships, as specified. The bill's provisions would be repealed on January 1, 2022.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Research has shown that dual enrollment can be an effective
- 4 means of improving the educational outcomes for a broad range
- 5 of students.
- 6 (b) Dual enrollment has historically targeted high-achieving
- 7 students; however, increasingly, educators and policymakers are
- 8 looking toward dual enrollment as a strategy to help students who
- 9 struggle academically or who are at risk of dropping out.

(c) Allowing a greater and more varied segment of high school pupils to take community college courses could provide numerous benefits to both the pupils and the state, such as reducing the number of high school dropouts, increasing the number of community college students who transfer and complete a degree, shortening the time to completion of educational goals, and improving the level of preparation of students to successfully complete for-credit, ~~college-level~~, *college-level* courses.

(d) California should rethink its policies governing dual enrollment, and establish a policy framework under which school districts and community college districts could create dual enrollment partnerships as one strategy to provide critical support for underachieving students, those from groups underrepresented in postsecondary education, those who are seeking advanced studies while in high school, and those seeking a career technical education credential or certificate.

(e) Through dual enrollment partnerships, school districts and community college districts could create clear pathways of aligned, sequenced coursework that would allow students to more easily and successfully transition to for-credit, college-level coursework leading to an associate degree, transfer to the University of California or the California State University, or to a program leading to a career technical education credential or certificate.

(f) To facilitate the establishment of dual enrollment partnerships, the state should remove fiscal penalties and policy barriers that discourage dual enrollment opportunities. By reducing some of these restrictions, it will be possible to expand dual enrollment opportunities, thereby saving both students and the state valuable time, money, and scarce educational resources.

SEC. 2. Section 76004 is added to the Education Code, to read:

76004. Notwithstanding Section 76001 or any other law:

(a) The governing board of a community college district may enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district for the purpose of offering or expanding dual enrollment opportunities *for students who may not already be college bound or who are underrepresented in higher education*, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving

1 high school graduation rates, or helping high school pupils achieve  
2 college and career readiness.

3 (b) A participating community college district may enter into a  
4 CCAP partnership with a school district partner that is governed  
5 by a CCAP partnership agreement approved by the governing  
6 boards of both districts. As a condition of, and before adopting, a  
7 CCAP partnership agreement, the governing board of each district,  
8 at an open public meeting of that board, shall present the dual  
9 enrollment partnership agreement as an informational item. The  
10 governing board of each district, at a subsequent open public  
11 meeting of that board, shall take comments from the public and  
12 approve or disapprove the proposed agreement.

13 (c) (1) The CCAP partnership agreement shall outline the terms  
14 of the CCAP partnership and shall include, but not necessarily be  
15 limited to, *the total number of high school students to be served*  
16 *and the total number of full-time equivalent students projected to*  
17 *be claimed by the community college district for those students;*  
18 the scope, nature, time, location, and listing of community college  
19 courses to be ~~offered~~, *offered*; and criteria to assess the ability of  
20 pupils to benefit from those courses. The CCAP partnership  
21 agreement shall also establish protocols for information sharing,  
22 *in compliance with all applicable state and federal privacy laws,*  
23 joint facilities use, and parental consent for high school pupils to  
24 enroll in community college courses.

25 (2) The CCAP partnership agreement shall identify a point of  
26 contact for the participating community college district and school  
27 district partner.

28 (3) A copy of the CCAP partnership agreement shall be filed  
29 with the office of the Chancellor of the California Community  
30 Colleges and with the department before the start of the CCAP  
31 partnership. *The chancellor may void any CCAP partnership*  
32 *agreement it determines has not complied with the intent of the*  
33 *requirements of this section.*

34 (d) A community college district participating in a CCAP  
35 partnership shall not provide physical education course  
36 opportunities to high school pupils pursuant to this section or any  
37 other course opportunities that do not assist in the attainment of  
38 at least one of the goals listed in subdivision (a).

39 (e) A community college district shall not enter into a CCAP  
40 partnership with a school district within the service area of another

1 community college district, except where an agreement exists, or  
2 is established, between those community college districts  
3 authorizing that CCAP partnership.

4 (f) A high school pupil enrolled in a course offered through a  
5 CCAP partnership shall not be assessed any fee that is prohibited  
6 by Section 49011.

7 (g) A community college district participating in a CCAP  
8 partnership may assign priority for enrollment and course  
9 registration to a pupil seeking to enroll in a community college  
10 course that is required for the pupil's CCAP partnership program  
11 that is equivalent to the priority assigned to a pupil attending a  
12 middle college high school as described in Section 11300 and  
13 consistent with middle college high school provisions in Section  
14 76001.

15 (h) The CCAP partnership agreement shall certify that any  
16 community college instructor teaching a course on a high school  
17 campus has not been convicted of any sex offense as defined in  
18 Section 87010, or any controlled substance offense as defined in  
19 Section 87011.

20 (i) The CCAP partnership agreement shall certify that any  
21 community college instructor teaching a course at the partnering  
22 high school campus has not displaced or resulted in the termination  
23 of an existing high school teacher teaching the same course on that  
24 high school campus.

25 (j) The CCAP partnership agreement shall certify that a qualified  
26 high school teacher teaching a course offered for college credit at  
27 a high school campus has not displaced or resulted in the  
28 termination of an existing community college faculty member  
29 teaching the same course at the partnering community college  
30 campus.

31 (k) The CCAP partnership agreement shall ~~certify that a~~ *include*  
32 *a certification by the participating community college district of*  
33 *both of the following:*

34 (1) A community college course offered for college credit at the  
35 partnering high school campus does not reduce access to the same  
36 course offered at the partnering community college campus.

37 (2) *Participation in a CCAP partnership is consistent with the*  
38 *core mission of the community colleges pursuant to Section*  
39 *66010.4, and that pupils participating in a CCAP partnership will*

1 *not lead to enrollment displacement of otherwise eligible adults*  
2 *in the community college.*

3 (l) The CCAP partnership agreement shall certify that both the  
4 school district and community college district partners comply  
5 with local collective bargaining agreements and all state and federal  
6 reporting requirements regarding the qualifications of the teacher  
7 or faculty member teaching a CCAP partnership course offered  
8 for high school credit.

9 (m) The CCAP partnership agreement shall specify both of the  
10 following:

11 (1) Which participating district will be the employer of record  
12 for purposes of assignment monitoring and reporting to the county  
13 office of education.

14 (2) Which participating district will assume reporting  
15 responsibilities pursuant to applicable federal teacher quality  
16 mandates.

17 (n) The CCAP partnership agreement shall certify that *any*  
18 ~~remedial courses~~ *course* taught by community college faculty at  
19 a partnering high school campus shall be offered only to high  
20 school students who test as nonproficient in math, English, or both  
21 on a formative assessment in grade 10 or 11, as determined by the  
22 partnering school ~~district~~ *district, and shall involve a collaborative*  
23 *effort between high school and community college faculty to deliver*  
24 *an innovative remediation course as an intervention in the student's*  
25 *junior or senior year to ensure the student is prepared for*  
26 *college-level work upon graduation.*

27 (o) (1) A community college district may limit enrollment in  
28 a community college course solely to eligible high school students  
29 if the course is offered at a high school campus during the regular  
30 school day and the community college course is offered pursuant  
31 to a CCAP partnership agreement.

32 (2) For purposes of allowances and apportionments from Section  
33 B of the State School Fund, a community college district  
34 conducting a closed course on a high school campus pursuant to  
35 paragraph (1) of subdivision (p) shall be credited with those units  
36 of full-time equivalent students attributable to the attendance of  
37 eligible high school pupils.

38 (p) A community college district may allow a special part-time  
39 student participating in a CCAP partnership agreement established

1 pursuant to this article to enroll in up to a maximum of 15 units  
2 per term if all of the following circumstances are satisfied:

3 (1) The units constitute no more than four community college  
4 courses per term.

5 (2) The units are part of an academic program that is part of a  
6 CCAP partnership agreement established pursuant to this article.

7 (3) The units are part of an academic program that is designed  
8 to award students both a high school diploma and an associate's  
9 degree.

10 (q) The governing board of a community college district  
11 participating in a CCAP partnership agreement established pursuant  
12 to this article ~~may, in whole or in part,~~ *shall* exempt special  
13 part-time students described in subdivision (p) from the fee  
14 requirements in Sections 76060.5, 76140, 76223, 76300, 76350,  
15 and 79121.

16 (r) A district shall not receive a state allowance or apportionment  
17 for an instructional activity for which the partnering district has  
18 been, or shall be, paid an allowance or apportionment.

19 (s) The attendance of a high school pupil at a community college  
20 as a special part-time or full-time student pursuant to this section  
21 is authorized attendance for which the community college shall  
22 be credited or reimbursed pursuant to Section 48802 or 76002,  
23 provided that no school district has received reimbursement for  
24 the same instructional activity.

25 (t) (1) For each CCAP partnership agreement entered into  
26 pursuant to this section, the affected community college district  
27 and school district shall report annually to the office of the  
28 Chancellor of the California Community Colleges all of the  
29 following information:

30 (A) The total number of high school pupils by schoolsite  
31 enrolled in each CCAP partnership, ~~by gender and ethnicity.~~  
32 *aggregated by gender and ethnicity, and reported in compliance*  
33 *with all applicable state and federal privacy laws.*

34 (B) The total number of community college courses by course  
35 category and type and by school site enrolled in by CCAP  
36 partnership participants.

37 (C) The total number and percentage of successful course  
38 completions, by course category and type and by schoolsite, of  
39 CCAP partnership participants.

(D) The total number of full-time equivalent students generated by CCAP partnership community college district participants.

~~(2) The report shall include~~ *On or before January 1, 2021, the chancellor shall prepare a summary report that includes an evaluation of the CCAP partnerships, an assessment of trends in the growth of special admits systemwide and by campus, and, based upon the data collected pursuant to this section, shall include recommendations for program improvements, including, but not necessarily limited to, both of the following:*

*(A) Any recommended changes to the statewide cap on special admit full-time equivalent students to ensure that adults are not being displaced.*

*(B) Any recommendation concerning the need for additional student assistance or academic resources to ensure the overall success of the CCAP partnerships.*

*(3) The chancellor shall ensure that the number of full-time equivalent students generated by CCAP partnerships is reported pursuant to the reporting requirements in Section 76002.*

(u) The annual report required by subdivision (t) shall also be transmitted to all of the following:

(1) The Legislature, in compliance with Section 9795 of the Government Code.

(2) The Director of Finance.

(3) The Superintendent.

(v) A community college district that violates this article, including, but not necessarily limited to, any restriction imposed by the board of governors pursuant to this article, shall be subject to the same penalty as may be imposed pursuant to subdivision (d) of Section 78032.

*(w) The statewide number of full-time equivalent students claimed as special admits shall not exceed 10 percent of the total number of full-time equivalent students claimed statewide.*

*(x) Nothing in this section is intended to affect a dual enrollment partnership agreement existing on the effective date of this section under which an early college high school, a middle college high school, or California Career Pathways Trust existing on the effective date of this section is operated. An early college high school, middle college high school, or California Career Pathways Trust partnership agreement existing on the effective date of this*



1 *section shall not operate as a CCAP partnership unless it complies*  
2 *with the provisions of this section.*  
3 *(y)This section shall remain in effect only until January 1, 2022,*  
4 *and as of that date is repealed, unless a later enacted statute, that*  
5 *is enacted before January 1, 2022, deletes or extends that date.*

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